

THE HON'BLE SRI JUSTICE P.S.NARAYANA

W.P.No.9340 of 2007

Date : 27-11-2007

Between :

Nemuri Dayanand Goud

s/o.Sri Balaraj

..

Petitioner

and

The Canara Bank,

Represented by its Manager,

M.G. Road, Secunderabad Branch.

..

Respondent

THE HON'BLE SRI JUSTICE P.S.NARAYANA

W.P.No.9340 of 2007

ORDER:

1. Heard the Counsel.
2. The Writ Petition is filed for a writ of mandamus to declare the action of the respondent in trying to dispossess the petitioner from his residential house without taking recourse under Section 13(4) of the Securitization and Reconstruction of the Financial Assets and Enforcement of Security Interest Act 2002.
3. Several facts had been narrated in the affidavit filed in support of the Writ Petition.
4. W.V.M.P.No.1636/2007 is filed and in the counter affidavit several facts had been denied and certain of the facts had been admitted.
5. This Court while issuing *rule nisi* made the following order in W.P.M.P.No.11925/2007 :

“There shall be stay of all further proceedings pursuant to the notice dated 27-11-2007 including dispossession subject to the condition that the

petitioner shall deposit a sum of Rs.8,200/- (Rupees Eight Thousand Two Hundred only) on or before 10th of every month including May, 2007 which is said to be the monthly equated instalment, otherwise due. If the petitioner fails to deposit any two successive instalments commencing from May 2007, the stay granted shall stand dissolved without any further reference to the Court.”

It is stated that the instalments are being paid regularly, but however it is brought to the notice of this Court that there are some arrears due to the Banking Institution. The writ petitioner is granted two months time to clear all the arrears, in default, the respondent-Bank is at liberty to further proceed in accordance with Law. It is needless to say that the petitioner is at liberty to pay the future instalments regularly in accordance with the agreement which had been entered into by the petitioner with the respondent-Bank.

6. With the above direction, the Writ Petition is disposed of. No costs.

Justice P.S.Narayana

Date : 27-11-2007

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